

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

ORDER

-against-

18-CV-361 (JBW)

PATRICK K. MCDONNELL and
CABBAGETECH CORP.,

Defendants.
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ROANNE L. MANN, CHIEF UNITED STATES MAGISTRATE JUDGE:

By letter dated May 23, 2016, plaintiff Commodity Futures Trading Commission (“CFTC”) requests that it be granted leave to withdraw its consent to electronically docket documents on behalf of *pro se* defendant Patrick McDonnell. See Electronic Case Filing Docket Entry (“DE”) #95. In the last two weeks, the CFTC has complied with approximately 19 demands from Mr. McDonnell to file documents on his behalf. Despite the CFTC’s accommodations, Mr. McDonnell has complained numerous times about the CFTC’s purported delay in filing his documents, the manner in which they were filed, and most recently, Mr. McDonnell has accused the CFTC’s counsel of altering the documents he submitted to them before filing. See, e.g., DE #76, #80, #81, #94, #95-1, #95-2. At times, Mr. McDonnell’s complaints have become abusive and threatening. See DE #95-1. Mr. McDonnell opposes the CFTC’s application and requests that it continue to file documents on his behalf, promising to send such documents to counsel in a format that will relieve them of some of the burden imposed by such filing. See DE #97.

Having considered the parties’ positions, this Court denies the CFTC’s request, without

prejudice. However, Mr. McDonnell is advised that the CFTC has been generous in accommodating his frequent requests and that he must recognize that its counsel have other cases and obligations, and may not be able to file his submissions as quickly as he would like. Nevertheless, the speed with which the CFTC has acted has resulted in far more expeditious filing than would result if Mr. McDonnell had to rely on mailing his submissions to the Clerk's Office -- as evidenced by the docketing today of his Motion for Reconsideration, which was received by the Clerk's office on May 17, 2018. See DE #99. Moreover, Mr. McDonnell is advised that it is not necessary for him to make repeated submissions containing essentially the same material. For example, Mr. McDonnell has made at least five different filings drawing the Court's attention to a decision in CFTC v. Monex Credit Company, issued by a district judge in the Central District of California, which he argues is dispositive of the claims asserted against him here. See, e.g., DE #69, #70, #75, #87, #99. Mr. McDonnell is warned that if he continues to burden the CFTC unnecessarily by requesting the filing of duplicative submissions and/or otherwise abuses the privilege that the CFTC consented to extend to him, the Court will not hesitate to allow the CFTC to withdraw that consent.

SO ORDERED.

**Dated: Brooklyn, New York
May 25, 2018**

/s/ *Roanne L. Mann*
ROANNE L. MANN
CHIEF UNITED STATES MAGISTRATE JUDGE